

IN THE MATTER OF)
) Case No. 49S00-0208-DI-445
THOMAS L. SHIRLEY)

Upon review of the report of the hearing officer appointed by this Court to hear evidence on the Disciplinary Commission's *Verified Complaint for Disciplinary Action*, and the briefs of the parties, we find that the respondent engaged in attorney misconduct.

Respondent failed to file an answer to Count II. Accordingly, based on the Commission's pleading, the hearing officer found that respondent failed to appear for a scheduled jury trial and falsely told the court and the Commission that he had filed a motion to withdraw. The hearing officer also found that respondent tendered a copy of the motion to withdraw, which he knew had not been filed as he alleged.

For the misconduct found herein, this Court now finds that the respondent should be suspended from the practice of law for a period of not less than thirty (30) days, effective August 1, 2005, and at the conclusion of which the respondent may petition this Court for reinstatement to the practice of law. Costs of this proceeding are assessed against the respondent.

Randall T. Shepard
Chief Justice of Indiana

SHEPARD, C.J. and DICKSON and SULLIVAN, JJ., concur.
BOEHM and RUCKER, JJ., dissent, believing the facts are less than clear and convincing.